

EXHIBIT J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOURNE CO.,

Plaintiff,

-against-

TWENTIETH CENTURY FOX FILM CORPORATION,
FOX BROADCASTING COMPANY, TWENTIETH
CENTURY FOX TELEVISION, INC., TWENTIETH
CENTURY FOX HOME ENTERTAINMENT, INC.,
FUZZY DOOR PRODUCTIONS, INC., THE
CARTOON NETWORK, INC., SETH MACFARLANE,
and WALTER MURPHY,

Defendants.

Case No. 07 Civ. 8580 (DAB)

Deposition of KARYN SOROKA held at the
offices of Loeb & Loeb, 345 Park Avenue, New
York, New York, on Tuesday, March 4, 2008,
commencing at 10:00 a.m., before James W.
Johnson, Registered Professional Reporter and
a Notary Public of the State of New York.

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1 Soroka
 2 Q. You can answer.
 3 MS. STARK: You can answer the question.
 4 A. Well, as I've said in the report, you,
 5 you don't know when a song doesn't get used.
 6 Therefore, I could never conclusively state that X
 7 number of uses has been lost because of this. I
 8 only know that negative associations affect the
 9 desirability of a song.
 10 Q. Do you know the answer to whether
 11 something has happened in the past is a question of
 12 fact or opinion?
 13 MS. STARK: Objection. This is beyond
 14 the scope of her expert report. You're asking
 15 for her to make a legal conclusion.
 16 You can answer if you have --
 17 MR. ZAVIN: I think your proper
 18 objection is merely to state "objection."
 19 Q. Ms. Soroka, do you know whether if
 20 something has happened in the past is a question of
 21 fact or opinion?
 22 A. That would be a question of fact.
 23 Q. And as a question of fact do you know
 24 whether "I Needed You" has had any effect
 25 whatsoever on the licensing or income of "When You

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1 Soroka
 2 Wish Upon A Star?"
 3 MS. STARK: Objection, asked and
 4 answered. You can answer again.
 5 A. Like I said, it's not something that you
 6 would know, because you don't get told when uses
 7 don't happen.
 8 Q. Have you made any effort to find out
 9 whether anyone failed to license "When You Wish
 10 Upon A Star?"
 11 MS. STARK: Objection, asked and
 12 answered. You can answer again.
 13 A. No.
 14 Q. Okay. Did you talk to anyone at Bourne
 15 to see whether any licensing income has diminished
 16 for "When You Wish Upon A Star" since 2003?
 17 A. No.
 18 Q. Do you have, as you sit here today do
 19 you have any idea whatsoever whether licensing
 20 income has increased or decreased since 2003 for
 21 "When You Wish Upon A Star?"
 22 A. No.
 23 Q. And you made no effort to find out,
 24 correct?
 25 A. Correct.

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1 Soroka
 2 Q. Do you understand what a parody is?
 3 MS. STARK: Objection. Please define
 4 "parody."
 5 MR. ZAVIN: I asked whether she
 6 understands. She can say no, in which case
 7 I'll define it.
 8 Q. Do you understand what a parody is?
 9 A. In the legal or the colloquial sense?
 10 Q. The colloquial sense.
 11 A. Yes.
 12 Q. Are you aware that songs have been
 13 parodied in the past?
 14 MS. STARK: Objection. I need for you
 15 to clarify what the colloquial term of
 16 "parody" is so I can properly defend this
 17 deposition. Please explain to the witness
 18 what you mean by "parody."
 19 MR. ZAVIN: No, I'll ask the witness to
 20 explain it. She's just testified she
 21 understands what the colloquial definition of
 22 "parody" is.
 23 Q. Please tell us what your understanding
 24 is.
 25 A. Well, I think colloquially it's sort of

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1 Soroka
 2 mixed up with satire. It's the same sort of open-
 3 ended definition that involves something about
 4 making fun of something.
 5 Q. Okay. Are you aware that in the past
 6 there have been songs that make fun of other songs?
 7 A. Yes.
 8 Q. Have you ever done any studies to see
 9 whether songs that have been parodied suffered
 10 diminution in licensing income?
 11 MS. STARK: Objection. You are not
 12 defining what you're using "parody" as. I
 13 need you to state the definition that you are
 14 using so that we can properly defend this
 15 deposition.
 16 MR. ZAVIN: I'm sorry, Ms. Stark. I --
 17 MS. STARK: Your question is unclear.
 18 Q. You can answer.
 19 MR. ZAVIN: Are you directing the
 20 witness not to answer?
 21 MS. STARK: I'm asking you to describe
 22 "parody" in your question so that the witness
 23 can properly answer the question.
 24 MR. ZAVIN: I am adopting the witness'
 25 definition of "parody."

5 (Pages 14 to 17)

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1 Soroka
 2 MS. STARK: The mixture of satire and
 3 parody?
 4 MR. ZAVIN: Yes.
 5 MS. STARK: You can answer.
 6 A. I'm sorry, what's the question again?
 7 MR. ZAVIN: Read the question, please.
 8 (Record read.)
 9 A. No.
 10 Q. Have you formed an opinion as to whether
 11 "I Needed You" is a parody of "When You Wish Upon A
 12 Star?"
 13 MS. STARK: Objection. This is beyond
 14 the scope of her expert report.
 15 Q. You can answer.
 16 A. In which sense?
 17 Q. In your sense.
 18 A. In my -- well, are you saying what I
 19 just stated as the non-legal definition of
 20 "parody?"
 21 Q. Mm hmm.
 22 A. I guess in the non-legal definition of
 23 "parody" it would fall into that, yes.
 24 Q. In your opinion, would a licensee
 25 seeking to license "When You Wish Upon A Star"

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1 Soroka
 2 accept as a substitute "I Needed You?"
 3 MS. STARK: I'm sorry, can you repeat
 4 the question.
 5 MR. ZAVIN: You can read it back.
 6 (Record read.)
 7 MS. STARK: You can answer. I'm going
 8 to object because, again, this idea of market
 9 substitution is not part of Ms. Soroka's
 10 report, and you're going outside the bounds of
 11 her expert report.
 12 You can answer if you can.
 13 A. It's such a broad question. There's --
 14 licensees could be anything, from a lyric reprint
 15 to an artist covering the record. The answer is
 16 no, they wouldn't accept it as a substitute, in
 17 general.
 18 Q. Do you think someone who wants to
 19 purchase a copy of "When You Wish Upon A Star"
 20 would -- and let's assume "I Needed You" -- would
 21 accept "I Needed You" as a substitute for "When You
 22 Wish Upon A Star?"
 23 MS. STARK: Objection. I'm going to
 24 make a standing objection that you're asking
 25 the witness questions that she is not, she's

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1 Soroka
 2 not been discussing in her report. You're
 3 going outside the scope of the report.
 4 It's not proper, and this is going to be
 5 a standing objection to anything having to do
 6 with anything other than what she's discussed
 7 in this report. You can answer if you can.
 8 A. No.
 9 MR. ZAVIN: Why don't we take a few
 10 minutes.
 11 (Recess taken.)
 12 MR. ZAVIN: I have no further questions.
 13 MS. STARK: Okay. We want a chance to
 14 correct the transcript, and I guess that's it.
 15 (Time noted: 10:28 a.m.)
 16
 17
 18 KARYN SOROKA
 19
 20 Sworn and subscribed to
 21 before me this ____ day
 22 of _____ 2008.
 23
 24
 25 NOTARY PUBLIC

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1
 2 CERTIFICATE
 3
 4 STATE OF NEW YORK)
 5) Ss
 6 COUNTY OF NEW YORK)
 7
 8 I, JAMES W. JOHNSON, a Registered
 9 Professional Reporter and Notary Public within
 10 and for the State of New York, do hereby
 11 certify:
 12 That KARYN SOROKA, the witness whose
 13 deposition is hereinbefore set forth, was duly
 14 sworn by me and that such deposition is a true
 15 record of the testimony given by such witness.
 16 I further certify that I am not related
 17 to any of the parties to this action by blood
 18 or marriage and that I am in no way interested
 19 in the outcome of this matter.
 20 IN WITNESS WHEREOF I have hereunto set
 21 my hand this 8th day of March 2008.
 22
 23
 24 JAMES W. JOHNSON
 25 Registration #01J05000925
 Commission Expires 9/4/2010

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